

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 3-12, and 14-19 are presently pending in the present application.

In the Office Action, claims 1, 5-7, 10-12, and 14-19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Weiler et al.* (U.S. Patent No. 5,970,395) in view of *Seike et al.* (U.S. Patent No. 6,243,576) and *Wedge et al.* (U.S. Patent No. 5,170,126); and claims 3, 4, 8, and 9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Weiler et al.* in view of *Seike et al.*, *Wedge et al.*, and Agilent PNA Network Analyzers. The Applicants respectfully request the withdrawal of the obviousness rejections for the reasons set forth below.

The Applicants submit that the a *prima facie* case of obviousness cannot be established based on the applied references, since there is no evidentiary support for the conclusion that the features recited in the claims were known at the time of the present invention. Accordingly, the Applicants request that such evidentiary support be placed on the record, or the obviousness rejections withdrawn.

Independent claims 1, 12, and 16 have been amended to recite “one or more of the first high-frequency module and the second high-frequency module includes **a local oscillator**, and wherein **the one or more high-frequency module including the local oscillator is provided in a housing that is separate from a housing of the measuring-device unit.**” The applied art, either when taken singularly or in combination, fail to disclose all of the above features.

The Office Action acknowledges that the combination of *Weiler et al.* and *Seike et al.* does not disclose one or more high frequency modules that include a local oscillator, and where the high-frequency module including the local oscillator is provided in a housing that is separate

from a housing of a measuring-device unit, as was argued in the last response. However, the Office Action cites *Wedge et al.* for the teaching of such features, for example, with reference to the local oscillator (58) shown in FIG. 3 of *Wedge et al.*

With regard to the teaching of a high frequency module including a local oscillator provided in a housing separate from a housing of a measuring-device unit, the Office Action indicates that “Wedge disclose a system which include a transceiver that share a local oscillator (fig.3, item 58) since Weiler discloses a high frequency module including a transceiver in (fig.5, item 19, 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a transceiver that includes a local oscillator as in Wedge’s invention in order to generate high frequency signal.” (Page 3, lines 17-22.) The Applicants submit that, while this rejection is somewhat unclear, it appears that the rejection is being based on a teaching in *Wedge et al.* of a local oscillator (58) that is presumed in the Office Action to be separately housed from the other components of the device. The Applicants respectfully traverse the conclusions reached in the Office Action.

The Applicants submit that *Weiler et al.*, *Seike et al.*, and *Wedge et al.* all fail to disclose or suggest, either singularly or in combination, a high-frequency module including a local oscillator, wherein in the high-frequency including the local oscillator is provided in a housing that is separate from a housing of the measuring unit, in the manner recited in independent claims 1, 12, and 16 of the present application. While the Office Action acknowledges that *Weiler et al.* and *Seike et al.* fail to disclose such features, the Applicants further submit that *Wedge et al.* never describes the separate housing recited in the claims of the present application. Nowhere in *Wedge et al.* is it disclosed that the power meter (18) is separated from any high-frequency modules. In fact, the term “housing” (or even a similar term) is not present in *Wedge et al.*

The Applicants submit that, based on the descriptions and depictions in *Wedge et al.*, it must be concluded that the power meter (18) is provided within the same housing as the remainder of the apparatus. For example, the Office Action appears to be asserting that the block diagram of components shown in FIG. 3 provides a teaching of separate housings; however, the Applicants note that FIG. 2 of *Wedge et al.* in fact depicts the entire apparatus (10) as a single unit, and thus clearly contradicts such a conclusion. In FIG. 2, the apparatus (10) is clearly depicted as a monolithic, single unit. Additionally, column 4, lines 39-42, of *Wedge et al.* states that “the apparatus 10 of the present invention **includes** a six-port passive correlation network 12 which is operatively connected to a noise source 14, a noise source 16 and a power meter 18.” (Emphasis added.) Thus, the power meter (18) is not separated from the other components in a separate housing. And the local oscillator (58) is in the same apparatus as the power meter (18). For example, column 5, line 67, through column 6, line 5, states that “For the embodiment of the apparatus 10 shown in FIG. 1, a microwave mixer 52 and an associated **local oscillator** 53 are connected to the component 50 to convert the noise power from the various network output ports 34-40 down to intermediate frequencies which can be detected by the power meter 18.” Thus, the Applicants submit that *Wedge et al.* does not disclose one or more high frequency modules that include a local oscillator, and where the high-frequency module including the local oscillator is provided in a housing that is separate from a housing of a measuring-device unit, as recited in claims 1, 12, and 16.

Furthermore, the Applicants submit that the attempted comparison/combination of a transceiver and local oscillator in *Wedge et al.* with a transceiver in a high frequency module in *Weiler et al.* set forth in the Office Action is unclear, incorrect, and based on the improper use of hindsight. The Office Action states that “Wedge disclose a system which include a transceiver

that share a local oscillator (fig.3, item 58) since Weiler discloses a high frequency module including a transceiver in (fig.5, item 19, 20).” However, *Wedge et al.* does not disclose a transceiver. *Wedge et al.*, in fact, never uses the term “transceiver.” As depicted in FIG. 3, the elements (64) and (66) are directional couplers, which are only able to **receive** signals from the DUT, but are not able to send signals to the DUT, and thus are not analogous to a transceiver as suggested in the Office Action. Note that column 5, lines 46-48, states “[c]onsequently, the directional coupler 46 **receives** an input from the input terminal 22 of DUT 20 and an input from the directional coupler 42.” (Emphasis added. See also, FIG. 1.) The apparatus (10) is not able to send something to the DUT, besides noise. Note the noise sources (14) and (16) in FIG. 3. But, this noise includes no user or control data, and is not a bidirectional communication. Furthermore, it is impossible to test a DUT like in the invention with the apparatus of *Weiler et al.* in combination with the apparatus of *Wedge et al.*, since *Weiler et al.* describes only a receiving unit with respect to the DUT, and the transmitter described therein communicates with the monitoring unit (5) and not with the DUT. Thus, in both *Weiler et al.* and *Wedge et al.*, the communication with the DUTs is taking place only in one direction.

Thus, the Applicants respectfully submit that the cited references, either when taken singularly or in combination, fail to disclose or suggest all of the features recited in independent claims 1, 12, and 16. Accordingly, the Applicants request the withdrawal of the obviousness rejections thereof.

The dependent claims are considered allowable for the reasons advanced for the independent claim from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied

references when those features are considered within the context of their respective independent claim.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9957 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,
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